0015

C/007/045 Incoming
cc: Pete
K

ENGINEERED FUELS, LC

December 9, 2009

Mr. John Baza
Director
Utah Division of Oil, Gas, and Mining
Coal Regulatory Program
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

RE: Annual Impoundment and Certification Report
Covol Engineered Fuels, LC
Mine Permit No. C/007/0045

Dear Mr. Baza:

In accordance with Title R645-301-514.310, Covol Engineered Fuels, LC (Covol) is submitting the annual Impoundment Inspection and Certified Report for Covol's Wellington, UT facility. The facility has two sediment basins that are classified as impoundments.

If you have any questions regarding the enclosed report, please call me at (801) 984-3770.

Sincerely,

Gina Rau

Gina Rau
Environmental Manager

Enclosures (1)

10653 S. River Front Parkway
Suite 300
South Jordan, UT 84095
P: 801.984.9400
F: 801.984.9410

EarthFax

EarthFax
Engineering, Inc.
Engineers/Scientists
7324 So. Union Park Ave.
Suite100
Midvale, Utah 84047
Telephone 801-561-1555
Fax 801-561-1861
www.earthfax.com

November 30, 2009

Gina Rau
Environmental Manager
COVOL Engineering Fuels, LC
10653 South River Front Parkway
Suite 300
South Jordan, UT 84095

Subject: Wellington sedimentation pond inspections

Dear Gina:

On November 18, 2009 I conducted an inspection of the sedimentation ponds at your Wellington, Utah facility. The results of those inspections are attached.

The ponds were empty at the time of my inspection, and no water was flowing into or out of the ponds. The embankments and appurtenances associated with the ponds all appear to be in excellent condition. I did not observe any structural weaknesses or other hazardous conditions associated with the ponds. It is my opinion that the ponds adequately serves their intended purpose and may continue to be used for that purpose.

Please contact me if you have any questions.

Sincerely,

Richard B. White, P.E.
President

Enclosure

REGISTERED PROFESSIONAL ENGINEER
No. 168246
RICHARD B. WHITE
30 Nov 2009
STATE OF UTAH

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT — Page 1

*To enter text, click in the box and type your response. If a box already contains an entry select the entry and type the replacement. You can use the **tab** key to move from one field to the next. To select a check box, click in the box or type an x.*

GENERAL INFORMATION

Report Date	30 Nov 2009
Permit Number	c/007/0045
Mine Name	Wellington Dry-Coal Cleaning Facility
Company Name	Covol Engineered Fuels, LC

IMPOUNDMENT IDENTIFICATION

Impoundment Name	East Pond
Impoundment Number	N/A
UPDES Permit Number	UTR 000685
MSHA ID Number	42-02398

IMPOUNDMENT INSPECTION

Inspection Date	18 Nov 2009
Inspected by	Richard B. White
Reason for Inspection	Annual Inspection

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

A small amount of erosion exists in the form of rills on the interior slopes of the pond. Heavy rainfall during the summer of 2009 caused substantial erosion of the inlet channel. This was subsequently repaired by installing an 18-inch diameter inlet culvert, with riprap at the location within the pond where this culvert discharges. EarthFax Engineering evaluated the capacity of this culvert and found that it was adequate for the design storm. A letter discussing this evaluation was sent to COVOL on November 17, 2009.

Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Maximum capacity 56,820 cf. 60% sediment capacity 56,620 cf. 100% sediment capacity 56,487 cf. Approximate sedement elevation at 45 % capacity.

b. Principle and emergency spillway elevations.

Outlet elevation = 5,507 feet.

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

No water was standing in the pond at the time of the inspection. As stated previously, a small amount of rill erosion exists on the interior slopes of the pond. This is not substantial. The resulting sediment is captured by the pond. The repair to the inlet channel appears to be adequate.

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period

The pond inlet has been repaired as described previously. The new inlet design adequately serves its intended purpose and has substantially reduced the potential for erosion of the pond slopes at the inlet.

QUALIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Richard B Wlee Date: 30 Nov 2009

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

		YES	NO
1.	Is impoundment designed and constructed in accordance with the approved plan?	☒	☐
2.	Is impoundment free of instability, structural weakness, or any other hazardous conditions?	☐	☒
3.	Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	☒	☐

COMMENTS/ OTHER INFORMATION

The pond adequately serves its intended purpose.

CERTIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

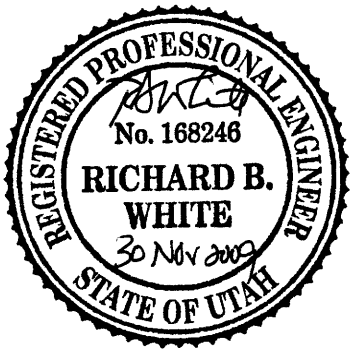
By: Richard B. White

Full Name and Title

Signature: Richard B White Date 30 Nov 2009

P.E. Number & State 168246

[P.E. Cert. Stamp]



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GENERAL INFORMATION

Report Date	30 Nov 2009
Permit Number	c/007/0045
Mine Name	Welington Dry-Coal Cleaning Facility
Company Name	Covol Engineered Fuels, LC

IMPOUNDMENT IDENTIFICATION

Impoundment Name	West Pond
Impoundment Number	N/A
UPDES Permit Number	UTR 000685
MSHA ID Number	42-02398

IMPOUNDMENT INSPECTION

Inspection Date	18 Nov 2009
Inspected by	Richard B. White
Reason for Inspection	Annual Inspection

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

A small amount of erosion exists in the form of rills on the interior slopes of the pond. Heavy rainfall during the summer of 2009 caused substantial erosion of the inlet channel. This was subsequently repaired by installing an 18-inch diameter inlet culvert, with riprap at the location within the pond where this culvert discharges. EarthFax Engineering evaluated the capacity of this culvert and found that it was adequate for the design storm. A letter discussing this evaluation was sent to COVOL on November 17, 2009.

Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Maximum capacity 36,045 cf. 60 % sediment capacity 35,965 cf. 100% sediment capacity 35,911 cf. Approximate sedement elevation at 45 % capacity.

b. Principle and emergency spillway elevations.

Outlet elevation = 5,510 feet.

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

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Signature: Richard B White Date: 30 NOV 2009

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

		YES	NO
1.	Is impoundment designed and constructed in accordance with the approved plan?	☒	☐
2.	Is impoundment free of instability, structural weakness, or any other hazardous conditions?	☒	☐
3.	Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	☒	☐

COMMENTS/ OTHER INFORMATION

The pond adequately serves its intended purpose.

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By: Richard B. White

Full Name and Title

Signature: Richard B White Date 30 Nov 2009

P.E. Number & State 168246

[P.E. Cert. Stamp]

REGISTERED PROFESSIONAL ENGINEER
No. 168246
RICHARD B. WHITE
30 Nov 2009
STATE OF UTAH